

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NICODEMO DIPIETRO	:	CIVIL ACTION
	:	
v.	:	
	:	
BRIAN COLEMAN, et al.	:	NO. 13-6438

ORDER

AND NOW, this 7th day of February, 2023, upon consideration of Petitioner Nicodemo DiPietro’s “Motion for Relief from Judgment Pursuant to Rule 60(b), Fed. R. Civ. P.” (ECF No. 30), **IT IS HEREBY ORDERED** that:

1. The Clerk of Court is **DIRECTED** to reopen this case.
2. The Motion is **DISMISSED** for lack of subject matter jurisdiction without prejudice to DiPietro’s right to file with the United States Court of Appeals for the Third Circuit an application to file a second or successive habeas petition. *See* 28 U.S.C. § 2244(b)(3)(A).
3. A Certificate of Appealability is **DENIED** pursuant to 28 U.S.C. § 2253(c) because reasonable jurists would not debate the propriety of this Court’s procedural ruling with respect to these claims. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000).
4. The Clerk of Court is **DIRECTED** to close this case.

BY THE COURT:

/s/ John R. Padova, J.

JOHN R. PADOVA, J.